IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.30952 of 2008
DHARKAN SAHNI
Versus
STATE OF BIHAR

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2. 17.12.2008 Heard.

The case is under Section 302 and other Sections of the Indian Penal Code as well as 27 of the Arms Act.

The F.I.R. discloses that armed extremists numbering 50-60, out of whom the petitioner Dharkan Sahni and eight others were named in the F.I.R. stopped the two deceased Upendra Singh and Mahesh Singh while they were coming on a motorcycle and caused indiscriminate firing resulting into their death and thereafter raising slogans "MCC Zindabad" fled away. The learned counsel for the petitioner submits that the allegation is of general omnibus nature.

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Mr. S. R. Haque, the learned A.P.P submitted that the bail player of this appellant was earlier rejected twice by this Court vide orders dated 28.9.2005 and 282 of 2006 in view of the statement of witnesses in paras-24, 25, 26, 109 and 110 of the case diary wherein the witnesses had stated that criminals had resorted indiscriminating firing and particularly the statement of witnesses in para-109 and 110 the petitioner was named and para-110 the witnesses had also stated that on seeing the two deceased the petitioner had ordered to shot and that he also fired and the shot fired by him had hit the deceased Upendra Singh.

The learned counsel for the petitioner submits that in this case a compromise petition has also been filed.

The learned A.P.P. submitted that a compromise with the

informant has been filed. He further submitted that the offence is serious and non-compoundable.

In the facts and circumstances, I do not feel inclined to allow bail to the petitioner.

Accordingly, it is rejected.

Ravi/- **(C.M. Prasad, J.)**

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